

Media Release

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PDPC launches public consultation on proposed advisory guidelines on application of the PDPA to real estate agency and telecommunication sectors

The Personal Data Protection Commission (PDPC) is launching a Public Consultation to invite members of the public and organisations to give their views on two sets of proposed Advisory Guidelines on how the Personal Data Protection Act (PDPA) applies to the telecommunication and real estate agency sectors respectively.

The views will help the PDPC obtain more extensive feedback from industry and determine whether there are other issues or scenarios that the PDPC should address in the advisory guidelines.

“During our outreach events, some organisations in the real estate agency and telecommunication sectors have raised sector specific scenarios on how the PDPA applies to their data protection and telemarketing practices,” said Mr Leong Keng Thai, Chairman, PDPC.

“In response, we have developed the proposed advisory guidelines, and will continue to work closely with organisations and industry bodies to ensure the PDPA remains relevant to consumer and business needs,” he added.

The Public Consultation will be held between 23 January 2014 and 13 February 2014. The proposed advisory guidelines are available on the PDPC website at www.pdpc.gov.sg/personal-data-protection-act/public-consultations from today. All submissions on the consultation should reach the PDPC by 5pm on 13 February 2014.

The final advisory guidelines for the real estate agency and telecommunication sectors will help organisations in those sectors better prepare for the PDPA, which will come into full effect on 2 July 2014.

Key issues covered in the proposed advisory guidelines for the real estate agency sector, which were developed in consultation with the Council for Estate Agencies, include:

- (1) Information typically collected, used or disclosed by estate agents or salespersons that could fall within the definition of personal data.

- (2) The application of the Consent Obligation in the context of a property transaction. For example, a salesperson should obtain consent from a seller to disclose his personal data to facilitate a potential sale.
- (3) Obligations of salespersons who may not be employees of the estate agents they represent. Salespersons may be considered separate organisations from estate agents and in such cases these agents would be required to comply with the Data Protection Provisions as separate organisations.
- (4) Definition of “specified message”, which could include telemarketing messages offering to supply, advertise or promote property, or advertising or promoting a supplier of property, and when messages sent in the context of property transactions would constitute “specified messages”.
- (5) Application of the Exemption Order that allows organisations to send certain specified messages related to the subject of their ongoing relationships with individuals. In general, one-time property transactions and enquiries are not sufficient to establish ongoing relationships between real estate salespersons and individuals.

Key issues covered in the proposed advisory guidelines for the telecommunication sector include:

- (1) Information typically collected, used or disclosed in the telecommunication context that could fall within the definition of personal data.
- (2) Obligations of telecommunication operators in relation to inbound and outbound roaming. For example, telecommunication operators may be considered as data intermediaries in processing personal data of inbound roaming subscribers of foreign operators, and only be required to comply with the Protection Obligation and Retention Limitation Obligation.
- (3) Circumstances in which a subscriber is deemed to have given or withdrawn consent for the collection, use or disclosure of his telephone number. For example, a subscriber with an ‘unblocked’ or “listed” telephone number initiating a call or sending a message may be deemed to have consented to the collection, use or disclosure of the number for the purpose of identifying himself to the receiving party.
- (4) Obligations of telecommunication operators in relation to providing pre-paid mobile services. For example, to fulfil the Notification Obligation, telecommunication operators could provide detailed statements of the purposes for collecting pre-paid subscribers’ personal data on their websites, and direct subscribers to the websites via an SMS alert.



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- (5) Whether messages typically sent by telecommunication operators could fall within the definition of “specified message”. For example, a message that solely provides account/product information relating to the ongoing use of a telecommunication product or service may be excluded from the definition of a specified message.

These guidelines should be read in conjunction with the other Advisory Guidelines issued by the PDPC¹ in 2013 on Key Concepts in the PDPA, Selected Topics and the Do Not Call Provisions.

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

About Personal Data Protection Commission

The Personal Data Protection Commission (PDPC) administers the Personal Data Protection Act 2012 in Singapore, which aims to safeguard individuals’ personal data against misuse and promote proper management of personal data in organisations. In addition, the Act will enhance Singapore’s competitiveness and strengthen our position as a trusted business hub, putting Singapore on par with the growing list of countries with data protection laws. For more information, please visit www.pdpc.gov.sg.

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¹ Guidelines issued by the PDPC are available at <http://www.pdpc.gov.sg/resources/advisory-guidelines>.